



TRITOWN

HEALTH DEPARTMENT

Lee + Lenox + Stockbridge

Tri-Town Health Department Web-Based Tobacco Retailer Certification Program

'A certification training program for the communities of Lee, Lenox, Great Barrington, North Adams, City of Pittsfield and Stockbridge to guide tobacco retail establishments to reduce illegal tobacco sales to minors'



2013 Community Innovation Challenge Grant Final
Report

April 1, 2014

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Introductory Letter

Secretary Glen Shor
Executive Office of Administration and Finance
State House, Room 373
Boston, MA 02133

April 1, 2014

Dear Secretary Shor,

With great enthusiasm, I hereby submit this final implementation report on behalf of the Tri-Town Health District for grant work completed under the 2013 Community Innovation Challenge (CIC) Grant. The awarded grant funded the conversion of the Department's existing Tobacco Retailer Certification program to a web based system so that any user that has a Wi-Fi connection will have direct access to the training program.

Berkshire County has one of the highest smoking prevalence rates in the Commonwealth and there are many unique barriers and challenges in our county that need to be addressed. Although our health district received funding through the Massachusetts Tobacco and Cessation Prevention Program (MTCP) since 1994, we continue to fight against big tobacco companies and their tactics to hook young people. We continue to work tirelessly on implementing evidence based policy strategies to reduce and eliminate access to tobacco products to our youth. Tobacco use is still the number one cause of preventable disease in the United States and we need to continue working hard to reverse that trend.

Tri-Town Health Department, with the support of local boards of health, implemented a requirement back in 2007 to all retail store clerks that sell any type of tobacco products to enter into a mandated training program and be educated on various sectors to ensure they have the necessary tools needed to prevent illegal sales of tobacco products to youth. Since then, we certified over 2,000 clerks, eliminated store suspensions, and reduced illegal sales by more than 70%. Moreover, through demographic data collection, we now have identified an additional public health issue in that over **57%** of the clerks that are certified are active smokers.

However, there are several barriers and challenges in offering the class in its current format and one of the most important ones is that it prevents the expansion to other communities.

In October 2012, several boards of health and the local hospital network, Berkshire Health Systems (BHS), collaborated and submitted a grant request for the 2013 Community Innovation Challenge grant. We were awarded a contract to convert our training to be a more easily accessible training.

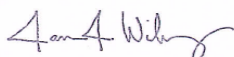
As part of the grant funding, we spent the last several months developing a more advanced method to deliver a web based, public health focused, and a highly efficient training program where all users that have internet connection (including any user having Wi-Fi or smartphones) will now have direct access to the training in real time. The program in its new format will reduce costs to the retailers, increase efficiency to the instructors and users, generate reports in real time to all boards of health, and more importantly, continue to train and certify store employees to eliminate illegal tobacco sales to minors. A secondary benefit to the training program will now link active smokers to direct access to tobacco treatment specialists at Berkshire Medical Center, and other quit smoking resources, should they request it.

Tobacco Retailer Trainings are not a new concept but many municipalities and retail stores simply cannot afford to create and implement comprehensive programs of this type. Furthermore, the Centers for Disease Control and Prevention have documented that retailer trainings with reinforcement can be an important component of an effective strategy to reduce youth tobacco use and access to tobacco products from commercial sources. (Guide to Community Prevention Services, 2010).

Interestingly, in the fall of 2013, the Food and Drug Administration (FDA) released a guidance document targeted to the retail industry on the importance of establishing a tobacco retailer training and how to better comply with laws.

Having the ability to receive grant funding through the support of the Department of Administration and Finance's program of the CIC grant allows us the ability to continue our battle to reduce tobacco products use to minors, assist retail stores in achieving compliance, link active users to tobacco treatment services, and further expand the program to any user. The web based tobacco retailer program is a cutting edge public health training program and currently is the only program in the Commonwealth that mandates retailer training and education. It will now be accessible to any user and municipality to combat youth tobacco strategies. Our goal is to offer this training and highlight the lessons learned so that other communities that are considering similar strategies to combat tobacco use through policy, now has access to training resources. Once again, we thank you for all you have done to offer this program and allowing us the opportunity to use these resources and reduce youth access to tobacco.

Sincerely,



James J. Wilusz, R.S.
Director of Public Health/Registered Sanitarian
Lee, Lenox, and Stockbridge Board of Health
Tri-Town Health Department

Executive Summary

RE: Tri-Town Health District Web Based Tobacco Retailer Certification Program

On behalf of the Tri-Town Health District, its governing Board of Health members, Berkshire Health Systems and in close collaboration with the Great Barrington, North Adams and Pittsfield Health Departments, we would like to thank the Community Innovation Challenge (CIC) grant Program and staff for allowing us the opportunity to make the current retailer training program a web-based reality. The web based training program will now be accessible to any user and will provide a public health service to those that are in need of the training. Reducing illegal tobacco products to minors, and increasing overall compliance by providing a sustainable and affordable approach, is an obligation by any local board of health.

The Tri-Town Health Department is the only regional public health department in Berkshire County. It was established in 1929 and comprised of the towns of Lee, Lenox and Stockbridge. The Tri-Town District has been Berkshire County's lead agency in tobacco control for more than twenty (20) years. The Department began to receive funding from the Massachusetts Tobacco Cessation and Prevention (MTCP), Department of Public Health Tobacco Control in 1993.

Services provided to multiple communities from the MTCP funding (twelve town collaborative) funding include: tobacco retail store compliance checks, merchant education, retail store inspections, trainings for boards of health and their employees, providing technical assistance on the creation and adoption of local tobacco regulations to ensure they are fair and equitable, and to engage our local and state key stakeholders to prevent youth access to tobacco products. In fiscal year 2013, the communities served by the MTCP include: Dalton, Egremont, Great Barrington, Hancock, Lee, Lenox, Monterey, North Adams, Otis, Pittsfield, Sandisfield, and Stockbridge.

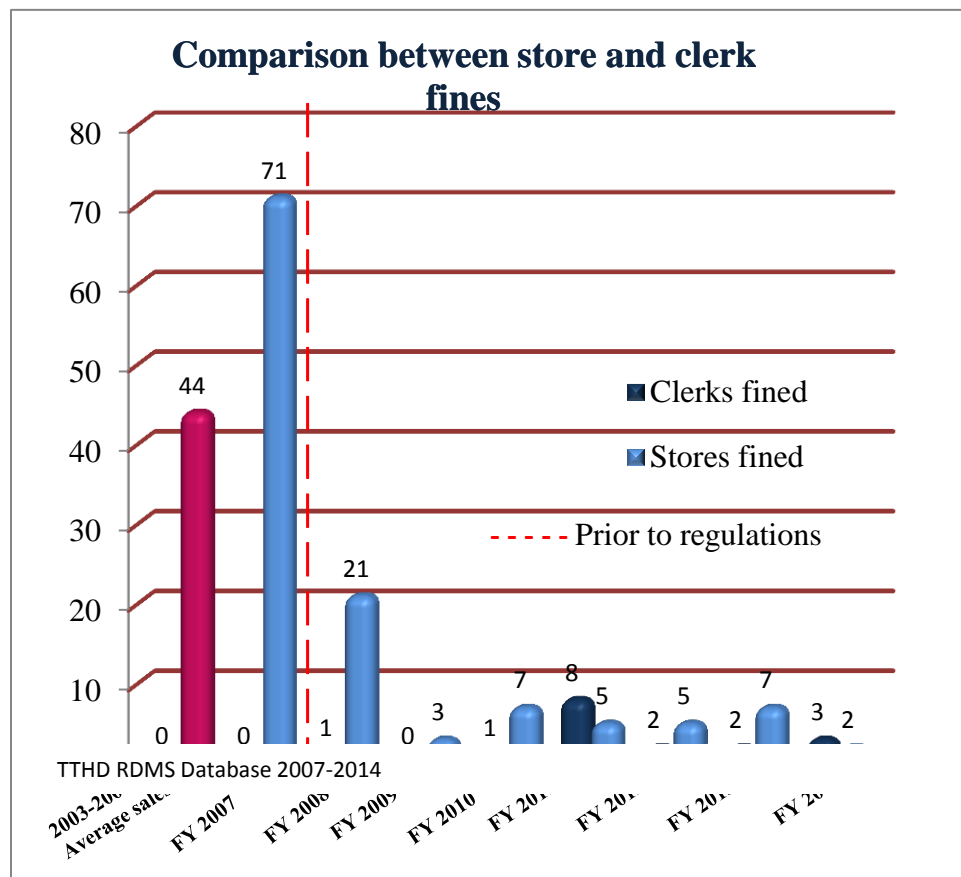
In fiscal year 2007, in response to the high number of failed tobacco compliance checks, the Tri-Town Health Department worked with collaborative partners which included local boards of health, tobacco retail store owners, elected officials, and other various health department staff in the county and created the Tobacco Retailer Subcommittee. This committee was tasked to examine and review current board of health regulations and its efficacy, determine the reason why illegal tobacco sales were increasing versus previous years, and to explore options to address the problem with youth access. The outcome of the subcommittee determined that there was an existing gap of no formal training for store clerks and there was a drastic need to reduce illegal tobacco sales to minors. By creating a formal certification program, it would provide the necessary tools for clerks to comply and essentially added more responsibility to the clerks. Subsequently, the communities of Lanesboro, Lee, Lenox, Great Barrington, Monterey, City of Pittsfield, and Stockbridge amended their Youth Access Regulations to mandate that all clerks selling tobacco be trained and certified through the program.

Shortly thereafter, Tri-Town staff began offering the training for free for the first three years and then in year 4 phase in a nominal fee system. The training program was created without any grant or seed funding and its current format is an in-person PowerPoint presentation with

discussion and relevant topics. The training is offered at least twice a month in each community requiring the certification as well as evening classes to accommodate shift workers. Each participating clerk takes a written exam at the end of the training session. A passing score of 80% is required for the clerk to become a “*Certified Tobacco Retailer Clerk*”. The certification is valid for three years, at which point the clerk must become re-certified. Each clerk receives a paper copy of the certification.

The Town of Lee has an established revolving account and the fees collected for the training cover the cost of supplies and equipment. Although in its current format, the training program has yielded positive outcomes for a return which include:

- 70% reduction in illegal sales to minors
- No permit suspension since the inception of the training requirement
- Certification has saved community stores over \$10,000 in fines
- Over 2,000 clerks certified to date
- 57% of the clerks that utilize the training are active smokers
- Confusion on what types of tobacco treatment services are available



Barriers include:

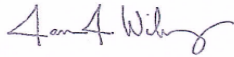
- Limited resources to increase community participation

- Insufficient staffing
- Nominal fees currently collected do not cover the costs to sustain the program
- Additional cost for stores to cover back filling of staff

In closing, by utilizing the CIC grant program and converting to a more user-friendly, easily accessible training, will only enhance the public health outcomes and will now allow the Health Department to expand participation, reduce costs to the retailers, link clerks to quit-smoking resources and more importantly, reduce access to tobacco products to our youth. The majority of the grant funds and time was spent creating the web based program with an anticipated release date of March 2014. We are fortunate and thankful that programs like the CIC grant are created and funded to allow municipalities an opportunity to make local initiatives a reality.

For more information on the web based Tobacco Retailer Certification Program, please visit the Tri-Town Health Department's [website](#).

Sincerely,



James J. Wilusz, R.S.
Director of Public Health/Registered Sanitarian
Lee, Lenox, and Stockbridge Board of Health
Tri-Town Health Department



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SECTION I: PARTNER COMMUNITIES AND ORGANIZATION

The Tri- Town Health Department's 2013 CIC grant is a combination of governmental, non-profit, and community based partners and organizations and their roles through the grant process are summarized below.

Tri-Town Health District (TTHD): The Tri-Town Health Department is one of the first districts established and in 1929, the three towns, Lee, Lenox, and Stockbridge, joined together to form a district by sharing a milk inspector.

Tri-Town District serves as the operational component of delivering the ten essential services of public health including grant management and writing.

- TTHD is the lead applicant and the Town of Lee serves as the District's fiduciary agent.
- The District Director provided the project management, grant writing, facilitation of subcommittee groups, and secured community support for the 2013 CIC grant application.
- TTHD health agents supports the District Director in ensuring meeting minutes are completed, setting agendas and goals, and the implementation of administrative tasks.

Berkshire Health Systems (BHS): Berkshire Health Systems is the region's leading provider of comprehensive healthcare services and serves the region through a network of affiliates which include Berkshire Medical Center, the BMC Hillcrest Campus, Fairview Hospital, Berkshire Visiting Nurse Association, BHS physician practices, and long-term care associate Berkshire Healthcare Systems.

BHS has been a collaborative partner with TTHD on many public health initiatives. It was identified through demographic data collection on the current Retailer training that fifty-seven (57%) percent of the clerks that are enrolled into the training program are active smokers. As development of the web-based program began, we collaborated with BHS on integrating new modules into the program. These included an overview of health consequences, health outcomes attributed to smoking, and more importantly, the ability to link the active smoker to quit smoking resources, which includes a formal request for a tobacco treatment specialist and/or quit smoking resources. All requests are confidential are not privy to public access.

For reporting, BHS and TTHD will be able to ensure confidentiality and at the same time, quantify the number of tobacco treatment referrals to monitor changes.

Tobacco Retailer Sub-Committee: The Tobacco Retailer sub-committee was initially created in 2007 to address the increase in tobacco sales to minors and is comprised of tobacco retail stores of all sizes; including large chains, small independent stores, grocery stores, health departments, elected officials, and boards of health. The sub-committee assisted in the initial development of the Retailer training and played an integral role of the grant application to support the conversion to the web-based training.

Great Barrington, Lee, Lenox, City of Pittsfield, and Stockbridge Boards of Health: The municipal boards of health have been collaborating with TTHD on the implementation of the mandated Tobacco Retailer training since its inception in 2007. All five (5) communities mandate the requirement of the certification through local board of health regulations.

Boards of Health have the authority to adopt and enforce reasonable health regulations under [Massachusetts General Law, Chapter 111, section 31.](#) In February 2008, the City of Pittsfield was the first Board of Health to require the mandate. Other communities subsequently amended their local Youth Access Regulations thereafter.

All five communities have representation on the Tobacco Retailer Sub-Committee and endorsed the letters of support for the 2013 CIC grant application.

City of North Adams Board of Health: The City of North Adams joined the Tobacco Awareness Program collaborative in Fiscal Year 2012 through the Massachusetts Department of Public Health, Massachusetts Tobacco Cessation and Prevention Program (MTCP). North Adams Board of Health recognized early on in the process that retail store clerks need formal training and although local regulations have not been amended, they participated in the CIC grant program and once the web based training becomes active, the board has committed to require the mandated training.

SECTION II: GOALS

The primary purpose of the funding proposal is to convert the existing “*Certified Tobacco Retailer Clerk*” training to an on-line, web based system that would allow additional communities that are interested in requiring a clerk certification to easily access it. A training of this type would revolutionize the change of service delivery and could set the standard on training programs. It can be utilized remotely while still efficiently delivering a high quality training product. The overall objectives are to:

- Accommodate and increase the accessibility to the certification program while simultaneously reducing youth access to tobacco products;
- Allow full access for other boards of health to participate and utilize the training certification to combat youth access;
- Work in collaboration with public health partners to reduce the adult smoking prevalence of tobacco clerks;
- Create an innovative solution for training based upon today’s technological advances that will allow program updates in real time;
- Reduce municipal and retail store costs by relieving staff burden to manually train, travel time from each community and office supplies to support the program; and
- Allow the opportunity to expand training program into other core public health areas such as alcohol, fake ID’s, and further strengthen partnership between boards of health and retailers.

A secondary purpose for use of the certification training is that it has been identified through demographic data collection that ***more than one out of every two clerks (57%)***¹ that enroll into the program are active smokers. Having resources to convert the training certification will allow us to incorporate, with the guidance of Berkshire Health Systems, accessibility to resources and tools on cessation that will be targeted towards this population in an effort to decrease the adult smoking population.

¹ TTHD RDMS Retailer Database 2012-2013

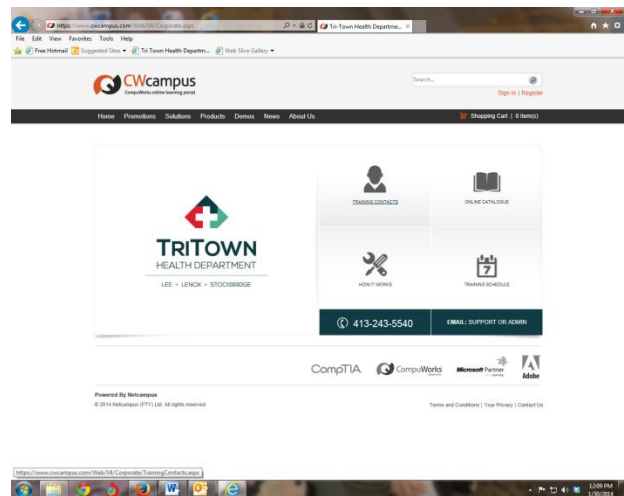
SECTION III: IMPLEMENTATION PLAN

In May 2011, the existing retailer training program had an independent evaluation co-sponsored by Massachusetts Association of Health Boards in an attempt to determine the efficacy and positive correlation outcomes of requiring a training program of this format. The evaluation concluded that **“Positive change in rates of sales to minors from FY07 to FY09 in Berkshire County was likely influenced by the retail clerk certification program in conjunction with the initiation of local youth access regulations”**.²

Based on the existing barriers and sustainability challenge of the current program, the Tobacco Retailer Sub-Committee anticipated applying for CIC funding prior to the grant becoming available. Below is the summary of the planning, development, and post- implementation phases:

Initial Planning/Grant Preparation Phase: September to November 2012

- The Tobacco Retailer sub-committee agreed to move forward on submitting a grant application to request funding to convert the classroom format to a more accessible web based format due to existing challenges of the training.
- Tri-Town Health District Director gave formal presentations to the Boards of Health from Great Barrington, Lee, Lenox, Stockbridge and the Cities of North Adams and Pittsfield and requested formal support as required by the grant.
- The Town of Lee Selectboard, acting as the fiduciary agent for the Tri-Town Boards of Health, approved the final application.



Project Development Phase December 2012~September 2013

The majority of the project development phase included the contract agreement and selecting a vendor complying with Massachusetts General Law, Chapter 30B and to develop a program that meets the needs of the Department and retailer clerk users. Initial specifications used for the Invitations for Bids included:

- Application/registration process with the capabilities for online payment
- Step by step training with multiple modules

² Tobacco Retailer Certifications Training Program, Evaluation Report 5/2011

- Audio/Video capabilities
- Rotation questions/answers at the conclusion of each module
- The certification of completion ability to access in real time
- Ability to collect demographic and statistical data and referral for smoking cessation programs
- Capabilities to offer maintenance support to the program.

At the conclusion of the vendor bidding process, [Compuworks](#) was selected as the vendor and the [contract](#) was finalized between the parties in April 2013. The following are activities that were included in the Project Development phase:

- Draft contract and project agreement created and finalized between the applicant (TTHD and Department of Administration and Finance (DAR)
- Contract approved by the Tri-Town Boards of Health and Town of Lee
- Tri-Town Health completed Chapter 30B bid process and finalized contract with vendor
- Tobacco Retailer subcommittee to reconvene, update membership and develop plan to expand membership
- Vendor develops training program
- Develop financial infrastructure to accommodate online payment
- Develop voucher system to accommodate establishments paying in advance
- Expand capacity of existing Town of Lee revolving account
- Develop marketing campaign to promote web-based training
- Program integration to existing [website](#)
- Integrate existing users to new program
- Beta testing prior to full access
- Full launch of program.

Post-Implementation Phase

October 2013~April 2014

The activities for the post implementation phase include the following:

- Convert all existing users to the new web based program
- Data input all demographic and statistics to new program
- Provide training to administrators and users
- Conduct three (3) month evaluation of the accessibility and efficacy of program.

SECTION IV: BUDGET

The budget request includes the cost for Compuworks to create, develop, and assist in the implementation of the program. They are all one time start-up costs and do not reflect ongoing maintenance, user fees, and software licensing use once the program is activated. Tri-Town Health Department is obligated to compensate Compuworks every year in perpetuity for software use, bank fees, and other associated costs. Fees collected for the training will offset incurred costs to ensure sustainability.

Project budget for requested amount: \$25,250

As part of the conversion to a web based program, the following is a breakdown of the total cost of program development, integration, user training and the costs of website integration.

- **Video and Platform Production- \$20,000.00**
 - a. Development of Custom template to house training, certification test delivery development, pdf training certification
 - b. Studio time to create the training which will include:
 - i. Prep time with trainers so they can understand the process and can effectively deliver the training in each modality, assistance on how to prepare materials to be delivered online, studio recording time, and video production.
- **Maintenance Hosting- \$2,500.00**
 - c. This cost includes the initial cost to convert the existing user to the web based program. This is a one-time cost for integrating existing Access database data to the new user interface program. An annual cost of \$5,000.00 per year thereafter.
- **Website Integration-\$2,000.00**
 - d. The current website will require upgrade to ensure compatibility with the integration of the web based program and the website which includes costs to initiate on-line payment methods for the class.
- **Department training-\$750.00**
 - e. Training for existing staff on how to utilize data reporting, demographic collection data, and routine updates. This is a one-time cost.

SECTION V: CHALLENGES AND SOLUTIONS

There were a few challenges and solutions that were identified throughout the process of converting the existing classroom style training to a web based system. Below is a summary of the challenges and what steps were taken to overcome them:

Securing Initial Contract Funding

The Health Department, working with the Executive Office for Administration and Finance, initially had challenges transferring the monies between the departments due to routing number difficulties and the banking system the Town of Lee utilizes. Even though the program experienced a delay, working together we were able to overcome that obstacle and managed a solution to begin working on the contract.

Financial Infrastructure Barriers

The Department, working with the selected vendor, Compuworks, worked diligently with the software engineers of the current Town of Lee banking system to create the payment infrastructure to meet the needs of the on-line training.

The web based training program will incorporate an online payment system and will have the ability to accept and process various payment types in real time.

Software coding for the web program needs to accept payment, user ability to complete the course, and have the certification available; all in a real-time environment. We have also requested Compuworks to avoid a *lag time* to process payment. We also requested the vendor to establish a program to avoid the administrative burden to physically mail out certification forms. The software engineers worked for several weeks (6-8 weeks) to modify the existing software infrastructure to adapt their current on-line payment system to meet the needs of the web based program, but were unsuccessful. Due to the complexity of that particular section of the program, it set the timeline back sixty (60) days.

To overcome the financial barrier, Tri-Town Health Department worked in unison with Compuworks and will utilize their existing financial infrastructure. Compuworks staff will collect all the fees, process payment, and issue the Town of Lee a monthly financial turnover sheet. Compuworks will charge the Department a five (\$5.00) dollar administrative processing fee in perpetuity. The anticipated cost of the training is twenty-five (\$25.00) per user.

For communities that would plan to utilize a training of this type should check with their municipality's financial institution to determine what their software capabilities are as part of the pre-planning phase. In this case, the banking software needed to process payment in real time

and have the ability for bulk purchase (voucher codes). At the time, the Town of Lee banking system could not support these functions.

Web Training Format

The web training format used to deliver the learning platform for the web based training is instructor led, supported by a background PowerPoint which is then videotaped in high resolution. Although this technology is used often to deliver virtual trainings such as Microsoft certifications, MS Access training, and other certificate trainings; using this technology has it's challenges and solutions.

One challenge utilizing this technology is that as statistics change and new tobacco products emerge, the module would need to be re-taped and inserted into the entire program. The current technology does not allow the insertion of an updated slide in the background. After one year, the content has the potential to be outdated.



frequently. Compuworks is aware of these challenges and are assisting the Department to explore possible solutions that are both, cost and time effective.

A solution to incorporate accessibility functions is to explore another round of CIC funding.

A second challenge is that we were unable to implement accessibility options such as closed captioning, language conversions, or subtitles due to costs.

The only possible solution is when the decision will be made to revise content and reconvene to produce updated materials, that shorter videos be completed and to create a voice recording system on slides that are fluid and change

Integration of Existing Users (Demographics and Statistics)

Due to significant demographic data collection for the past seven years, the Health Department and vendor worked diligently to have the capability of integrating both demographic data sets into one database. Unfortunately, we are unable to achieve that goal as the data sets differ. To overcome this challenge, we plan to export both data sets into an Access database and as the users become certified, the data will integrate in a way that is accurate.

Beta Testing Delay

Beta testing did not begin on target and due to delays of funding and the creation of the content, testing did not begin until January 2014. During the beta testing phase, there were several small details that needed to be adjusted to ensure the program's success. Below is a short summary of program details that needed to be adjusted:

- Capabilities for store chains to utilize a payment voucher system
- Ability for the exam and questions to rotate from user to user
- Internet Explorer was not originally compatible
- Incorporate a disable option so user cannot fast forward video training
- Ability for user to re-take test at no additional cost
- Development of instruction manuals for users
- Integration of program to web site
- Voucher code system (bulk purchases) needed to be created
- The need to incorporate a study planner option that gives user ability to chart out their training within the thirty (30) day time allotment.

SECTION VI: OUTCOMES

As originally identified in the Goals section, the primary purpose of the grant is to eliminate and reduce access to tobacco products to youth by providing the tools necessary for store clerks by educating, training, and provide support.

The original goals and final outcomes are highlighted below:

- **Goal: Accommodate** and increase the accessibility while reducing youth access to tobacco products.
- **Outcome:** The web based training is now accessible to any user having internet service. We shall continue to accommodate all levels of users to include offering on and off site training and to link users to resources to support that need assistance using computers.
- **Goal: Allow** full access for other boards of health to participate and utilize the training certification to combat youth access.
- **Outcome:** The program now allows the staff to generate real-time reports that boards of health, retail store owners, and inspectors can utilize to ensure compliance as well as tracking performance measures.
- **Goal: Collaborate** with public health partners to reduce the adult smoking prevalence of tobacco clerks.
- **Outcome:** By collaborating with public health partners, users of the training program will be exposed to health consequences associated with tobacco use, local health data, and direct access to quit smoking resources as well as tobacco treatment services to promote worksite wellness.
- **Goal: Create** an innovative solution to meet today's technological advances.
- **Outcome:** By utilizing technology that is easily accessible allows anyone to get hands-on public health trainings in real time without sacrificing quality.
- **Goal: Reduce** municipal and retail store costs.
- **Outcome:** The retailer training has yielded a reduction of illegal tobacco sales by more than 70% and we anticipate that trend continuing.
- **Goal: Sustainability** will allow the opportunity to expand training program into other core public health areas such as alcohol, fake ID's, and further strengthen partnership between boards of health and retailers.

- **Outcome:** The web based training is sustainable by reducing staff time and costs, reduction to store costs by preventing back fill and travel, and the fees collected will now offset operating costs.

Performance Measures:

Taking into consideration the original and final performance measures, the following measures have either been completed or are in process to begin monitoring.

Number of stakeholders participating in the steering committee

There were many store managers and owners that attended the informational training sessions held on March 18th & 20th, 2014. Of those in attendance, there were several attendees interested in becoming active in the Tobacco Retailer Subcommittee. We anticipate exceeding this performance measure as the program grows.


Number of earned media opportunities and outreach opportunities achieved





The earned media measure will meet the set benchmark as the Retailer Subcommittee has requested that a formal press release be issued to inform the community at large that the program is available. The Editor in Chief for the Berkshire Trade and Commerce has also requested a formal interview to highlight the web based program.

Number of area owners/ corporate officials who are not required to participate but do so because of the high quality nature of the training

At the time of the March informational sessions, two (2) regional managers attended that were neither from the collaborative nor from Berkshire County. They planned on returning to their district to educate and inform senior management of the web-based training. Several other community Boards of Health have also inquired about mandating the training for stores in their jurisdiction. We anticipate meeting this performance measure.

Full Performance Measures Spectrum

Project Goal	Measure	Current Period*	Prior Period**	Trend	Target	Status	Comments
To develop a regional online tobacco retailer certification training program	# of stakeholders participating in the steering committee	10	0	Increasing	20		Goal is to have representation from each town and all types of stores (Chain, independent, Manager/Corporate partners, etc.)
	# of earned	2	3	Stable	3		

	media opportunities and outreach opportunities achieved						
	# of area owners/ corporate officials who are not required to participate but do so because of the high quality nature of the training	N/A	N/A	N/A	10	-----	Data not yet collected on this item
	# of users referred to tobacco treatment services	N/A	N/A	N/A	100%	-----	Data not yet collected on this item
	% of reduction in the tobacco use statistics	N/A	N/A	N/A	10%	-----	Data not yet collected on this item
	# of users who, through a survey, state their preference for a web based training program as opposed to the traditional classroom style	N/A	N/A	N/A	50% (First year)	-----	Data not yet collected on this item
	Reduce # of miles traveled using web based programs vs. classroom style	N/A	530 miles	N/A	265	-----	
	Reduce office supply costs for training by 20%	N/A	\$3,602	N/A	\$2,882	-----	
	Reduce # of hours/ total costs worked by staff to support training	N/A	780 hours \$24,332	N/A	390 hours \$12,166	-----	
	# of trainings offered per year (non-web based)	N/A	36	N/A	18	-----	
	Reduce the # of failed (certified clerk) tobacco checks	N/A	4 certified clerks 9 store sales		2 certified clerks 5 store sales	-----	
Status Legend	Off target: 		Close to target: 		On target: 		Not applicable: -----

* January-April 2014

** April-December 2013

In conclusion, the Web-based Tobacco Retailer Certification program was officially launched and became active on March 18, 2014. Tri-Town Health Department hosted a series of informational training sessions dedicated to store Managers and Owners. *Sixty of ninety stores* attended the training and based upon the feedback to date, the web-based training was well received.

Within the first week of the web based training, the Health Department processed and issued sixty (60) voucher codes for employees to access the program.

We anticipate meeting and exceeding all identified performance measure as the program grows.

SECTION VII: CONTACT INFORMATION, REFERENCES, AND RESOURCES

Tri-Town Health District Contact:

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Director of Public Health/Registered Sanitarian
Tri-Town Boards of Health
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45 Railroad Street
Lee, MA 01238
413.243.5540
[Tri-Town Health Website](#)

Tri-Town Board of Health Chairperson contact:

Leslie Trachier-Daley
Chairperson, Tri-Town Boards of Health
Lee Board of Health
C/o Tri-Town Health Department
45 Railroad Street
Lee, MA 01238
413-243-5540
JR711616@yahoo.com

Training/Website Links, References, and Resources:

[The Web-Based Tobacco Retailer Certification program can be directly accessed here.](#)

[U.S. Department of Health and Human Services, Food and Drug Administration, Tobacco Retailer training Programs: Guidance for Industry.](#)

[Centers for Disease Control: Tobacco Use and Prevention Strategies.](#)

SECTION VIII: REGULATORY AND IMPLEMENTATION POLICY RESOURCES

- A. Tobacco Retailer Training Program Documents (Classroom and Web Based Format)
- B. Local Board of Health Regulations
- C. Local Data
- D. Web Based Training Tool Kit

A) Tobacco Retailer Training Program Documents (Classroom and Web Based Format)

Classroom Style Application

Application for Certified Tobacco Retail Clerk

First Name:

Last Name:

Company Mailing Address:

City, State, Zip:

Telephone Number:

Fax Number:

Company Representing:

Store # if applicable:

**Please specify date and
location you wish
to attend:**

Date/Time/Location of class

☐ New Certification ☐ Re-Certification ☐ Re-Test/New Certification ☐ Re-test/Re-Certification

Please read the following statements carefully!

- This certification is required in the following cities/towns: Lanesborough, Lee, Lenox, Great Barrington, Monterey, Stockbridge and Pittsfield.
- Certification expires 3 years from date of successful completion of examination. Expiration date will be on certification card. Certification will be sent to company of representation unless otherwise specified.
- You must fax or mail a copy of this application to the Tri-Town Health Department.
- **A valid government issued identification** (i.e. driver's license, passport, military I.D. or Massachusetts I.D. card) **must be brought to exam or copy mailed** prior to the examination date.
- You must be 18 years or older to sell tobacco products in Lanesborough, Lee, Lenox, Great Barrington, Monterey, Stockbridge and Pittsfield.
- Trainings start promptly and on-time! Please arrive at least 15 minutes early to sign-in with Instructor.

By signing below, you agree to comply with all local, state and federal tobacco regulations and understand that any violation under said local regulations may result in fines and/or suspension of your certification to sell tobacco products.

Signature of Individual: _____

Payment is due with application. Applications must be submitted at least (2) weeks before course date.

2013 Training Dates (classroom style)

2013 Retailer Training Dates

Jan. 8 th	Jan. 9 th	Jan. 10 th	Jul. 9 th	Jul 10 th	Jul. 11 th
10:00AM	5:00PM	2:00PM	10:00AM	2:00PM	2:00PM
GTB	BAN	TRI	GTB	BRP	TRI
Recerts. 9:30 exam	Recerts. 4:30: exam	RECERTS ONLY	Recerts. 9:30 exam	Recerts. 1:30: exam	RECERTS ONLY
Feb. 5 th	Feb. 6 th	Feb. 7 th	Aug. 6 th	Aug. 7 th	Aug. 8 th
2:00PM	10:00AM	5:00PM	2:00PM	10:00AM	5:00PM
TRI	GTB	BAN	TRI	GTB	BAN
Recerts. 1:30: exam	Recerts. 9:30 exam	RECERTS ONLY	Recerts. 1:30: exam	Recerts. 9:30 exam	RECERTS ONLY
Mar. 5 th	Mar. 6 th	Mar. 7 th	Sept. 10 th	Sept. 11 th	Sept. 12 th
2:00PM	2:00PM	BY APPT.	2:00PM	2:00PM	BY APPT.
BRP	TRI	TRI	BRP	TRI	TRI
Recerts. 1:30: exam	Recerts. 1:30: exam	RECERTS ONLY Contact (243-5540)	Recerts. 1:30: exam	Recerts. 1:30: exam	RECERTS ONLY Contact (243-5540)
Apr 2 nd .	Apr. 3 rd	Apr. 4 th	Oct. 8 th	Oct. 9 th	Oct. 10 th
10:00AM	2:00PM	2:00PM	10:00AM	5:00PM	2:00PM
GTB	BRP	TRI	GTB	BAN	TRI
Recerts. 9:30 exam	Recerts. 1:30: exam	RECERTS ONLY	Recerts. 9:30 exam	Recerts. 4:30: exam	RECERTS ONLY
May 7 th	May 8 th	May 9 th	Nov. 5 th	Nov. 6 th	Nov. 7 th
2:00PM	10:00AM	5:00PM	2:00PM	10:00AM	5:00PM
TRI	GTB	BAN	TRI	GTB	BAN
Recerts. 1:30: exam	Recerts. 9:30 exam	RECERTS ONLY	Recerts. 1:30: exam	Recerts. 9:30 exam	RECERTS ONLY
June 4 th	June 5 th	June 6 th	Dec. 3 rd	Dec. 4 th	Dec. 5 th
5:00PM	2:00PM	BY APPT.	2:00PM	2:00PM	BY APPT.
BAN	TRI	TRI	BRP	TRI	TRI
Recerts. 4:30: exam	Recerts. 1:30: exam	RECERTS ONLY Contact (243-5540)	Recerts. 1:30: exam	Recerts. 1:30: exam	RECERTS ONLY Contact (243-5540)

TRI= Town Health Department, 45 Railroad Street, Lee MA 01238

BRP= Berkshire Regional Planning, 1 Fenn Street, Pittsfield MA 01201

BAN= Berkshire Athenaeum, 1 Wendell Avenue, Pittsfield MA 01201

GTB= 20 Castle Street, 2nd Floor, next to Mahaiwe Theatre, Great Barrington MA 01230

* Trainings will be cancelled at the discretion of Tri-Town Health Department

You're Invited!

Attention Managers & Owners:

Please join us for an informational session to launch our new Web-Based Tobacco Retailer Training!

Tri-Town Health Department

45 Railroad Street, Lee

Tuesday, March 18th, 2014

&

Thursday, March 20th, 2014

Informational Sessions Agenda

March 18, 2014

- | | |
|-----------------------|---|
| 8:45-9:00AM | Registration (light breakfast items and coffee served) |
| 9:00-10:15AM | PowerPoint & informational session
Community Innovation Grant and updates
Highlights/Instructional how to use web based program |
| 10:15-10:30 AM | Questions and answers |

March 20, 2014

- | | |
|---------------------|---|
| 2:45-3:00PM | Registration (light snacks and refreshment served) |
| 3:00-4:15 PM | PowerPoint & informational session
Community Innovation Grant and updates
Highlights/Instructional how to use web based program |
| 4:15-4:30 PM | Questions and answers |

*These sessions will be held at the Tri-Town Health Department at the address listed above. Please RSVP the date you plan to attend and the number of attendees to info@tritownhealth.org or 413-243-5540

A. LOCAL BOARD OF HEALTH REGULATIONS

Regulation of the Lee, Lenox, and Stockbridge Board of Health Restricting the Sale of Tobacco Products & Nicotine Delivery Products

Effective Date: July 1, 2012

These regulations replace any and all prior Youth Access to Tobacco Products.

A. Statement of Purpose:

Whereas there exists conclusive evidence that tobacco smoke causes cancer, respiratory and cardiac diseases, negative birth outcomes, irritations to the eyes, nose and throat (*Centers for Disease Control and Prevention (hereinafter "CDC"), Health Effects of Cigarette Smoking Fact Sheet, (January 2012)*); whereas among the 15.7% of students nationwide who currently smoked cigarettes and were aged less than eighteen (18) years, 14.1% usually obtained their own cigarettes by buying them in a store (i.e., convenience store, supermarket, or discount store) or gas station during the thirty (30) days before the survey (*CDC, Youth Risk Behavior, Surveillance Summaries. 2009, MMWR 2010:59 (No. SS-55) at 11*); whereas nationally in 2000, sixty-nine (69%) percent of middle school age children who smoke at least once a month were not asked to show proof of age when purchasing cigarettes (*CDC, Youth Tobacco, Surveillance Summaries. 2000, MMWR 2001:50 (No. SS-04)*); whereas the U.S. Department of Health and Human Services has concluded that nicotine is as addictive as cocaine or heroin (*U.S. Department of Health and Human Services. How Tobacco Smoke Causes Disease: The Biology and Behavioral Basis for Smoking-Attributable Disease: A Report of the Surgeon General, Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2010.*); whereas despite state laws prohibiting the sale of tobacco products to minors, access by minors to tobacco products is a major problem; whereas according to the CDC, cigarette price increases reduce the demand for cigarettes and thereby reduce smoking prevalence, cigarette consumption, and youth initiation of smoking (*U.S. Department of Health and Human Services. Reducing Tobacco Use: A Report of the Surgeon General. Atlanta, GA. U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, and* whereas commercial Roll Your Own (RYO) machines enable loose, unpackaged tobacco to be poured into a machine and placed into empty, unpackaged cigarette tubes to be inhaled by individuals who smoke them. This procedure provides risk of contamination of the tobacco and unsanitary conditions in the machine and is injurious to public health; whereas commercial Roll Your Own (RYO) machines located in retail stores enable retailers to sell cigarettes without paying the federal and state excise taxes that are imposed on conventionally manufactured cigarettes (*RYO FILLING STATION, (Feb. 27, 2012)*). High excise taxes encourage adult smokers to quit and deter youth from starting (*Kenneth E. Warner, Smoking and Health Implications of a Change in the Federal Cigarette Excise Tax, 255 J. AM. MED. Ass'N 1028 (1986), Frank J. Chaloupka & Rosalie Liccardo Pacula, The Impact of Price*

on Youth Tobacco Use, in 14 SMOKING AND TOBACCO CONTROL MONOGRAPHS: CHANGING ADOLESCENT SMOKING PREVALENCE 193 (U.S. Dep't Health and Human Services et al. eds., 2001)). Therefore, inexpensive cigarettes, like those produced from RYO machines, promote the use of tobacco, resulting in a negative impact on public health and increased health care costs, and severely undercut the evidence-based public health benefit of imposing high excise taxes on tobacco; and whereas the sale of tobacco products and nicotine delivery products are incompatible with the mission of health care institutions because they are detrimental to the public health and undermine efforts to educate patients on the safe and effective use of medication; and whereas educational institutions sell tobacco products to a younger population, which is particularly at risk for becoming smokers and such sale of tobacco products and nicotine delivery products are incompatible with the mission of educational institutions that educate a younger population about social, environmental and health risks and harms; 2000 at 358); Now, therefore it is the intention of the Tri-Town Boards of Health to regulate the access of tobacco products and nicotine delivery products.

B. Authority:

This regulation is promulgated pursuant to the authority granted to the Tri-Town Boards of Health by Massachusetts General Laws Chapter 111, Section 31 that "Boards of Health may make reasonable health regulations"

C. Definitions:

For the purpose of this regulation, the following words shall have the following meanings:

Blunt Wrap: Any tobacco product manufactured or packaged as a wrap or as a hollow tube made wholly or in part from tobacco that is designed or intended to be filled by the consumer with loose tobacco or other fillers.

Business Agent: An individual who has been designated by the owner or operator of any establishment to be the manager or otherwise in charge of said establishment.

Cigar: Any roll of tobacco that is wrapped in leaf tobacco or in any substance containing tobacco with or without a tip or mouthpiece not otherwise defined as a cigarette under Massachusetts General Law, Chapter 64C, Section 1, Paragraph 1.

Commercial Roll-Your-Own (RYO) machine: A mechanical device, by whatever manufacturer made and by whatever name known, that is designed to roll and wrap tobacco into products. Home-use RYO machines are not Commercial Roll-Your-Own machines.

E-Cigarette: Any electronic Nicotine Delivery Product composed of a mouthpiece, heating element, battery and/or electronic circuits that provides a vapor of liquid nicotine to the user, or relies on vaporization of solid nicotine or any liquid. This term shall include such devices whether they are manufactured as e-cigarettes, e-cigars, e-pipes or under any other product name.

Educational Institution: Any public or private college, school, professional school, scientific or technical institution, university or other institution furnishing a program of higher education.

Employee: Any individual who performs services for an employer.

Employer: Any individual, partnership, association, corporation, trust or other organized group of individuals, which uses the services of one (1) or more employees.

Health Care Institution: An individual, partnership, association, corporation or trust or any person or group of persons that provides health care services and employs health care providers licensed, or subject to licensing, by the Massachusetts Department of Public Health under M.G.L. ch. 112 or a retail establishment that provides pharmaceutical goods and services and subject to the provisions of 247 CMR 6.00. Health care institution includes, but is not limited to, hospitals, clinics, health centers, pharmacies, drug stores, doctor offices and dentist offices.

Minor: Any individual who is under the age of eighteen (18).

Nicotine Delivery Product: Any article or product made wholly or in part of a tobacco substitute or otherwise containing nicotine that is expected or intended for human consumption, but not including a tobacco substitute prescribed by a licensed physician or a product that has been approved by the United States Food and Drug Administration for sale as a tobacco use cessation or harm reduction product or for other medical purposes and which is being marketed and sold solely for that approved purpose. Nicotine Delivery Product includes, but is not limited to, e-cigarettes.

Permit Holder: Any person engaged in the sale or distribution of tobacco and nicotine delivery products directly to consumers who applies for and receives a tobacco and nicotine delivery product sales permit or any person who is required to apply for a tobacco sales permit pursuant to these regulations, or his or her business agent.

Person: An individual, employer, employee, retail store manager or owner, the owner or operator of any establishment engaged in the sale or distribution of tobacco and nicotine delivery products directly to consumers.

Self-Service Display: Any display or commercial RYO machine from which customers may select or make a tobacco product or a Nicotine Delivery Product without assistance from an employee or store personnel.

Tobacco Sales Certification Training: a certification training program which must be successfully completed by all tobacco and nicotine delivery product sales clerks engaged in the sale or distribution of tobacco and nicotine delivery products directly to the consumer. For the purposes of this section, the content of any tobacco and nicotine delivery product sales certification training program must be approved by the Board of Health. However, an equivalent training program approved by the State Department of Public Health will also meet the requirements of this provision. Certification shall expire three (3) years from the date of successfully completing said training at such time a re-certification training must be completed to maintain certification. The Board of Health shall establish a fee for the certification and re-certification training program.

Tobacco Sales Clerk: An individual, employer, employee, retail store manager, the owner or operator of any establishment engaged in the sale or distribution of tobacco and nicotine delivery

products directly to consumers who can produce documentation that he/she maintains a valid tobacco and nicotine delivery product sales certification.

Tobacco Product: Cigarettes, cigars, chewing tobacco, pipe tobacco, bidis, snuff or tobacco in any of its forms.

Tri-Town Boards of Health: The Boards of Health in Lee, Lenox, and Stockbridge and their legally designated agent.

Vending Machine: Any automated or mechanical self-service device, which upon insertion of money, tokens or any other form of payment, dispenses or makes cigarettes,

any other tobacco product or Nicotine Delivery Product.

D. Tobacco and Nicotine Delivery Product Sales to Minors Prohibited:

1. No person shall sell tobacco or nicotine delivery products or permit tobacco or nicotine delivery products to be sold to a minor; or not being the minor's parent or legal guardian, give tobacco or nicotine delivery products to a minor.

2. Required Signage:

a. In conformance with and in addition to Massachusetts General Law, Chapter 270, Section 7, a copy of Massachusetts General Laws, Chapter 270, Section 6, shall be posted conspicuously by the owner or other person in charge thereof in the shop or other place used to sell tobacco products at retail. The notice shall be provided by the Massachusetts Department of Public Health and made available

from the Lee, Lenox, and Stockbridge Boards of Health. The notice shall be at least 48 square inches and shall be posted conspicuously by the permit holder in the retail establishment or other place in such a manner so that it may be readily seen by a person standing at or approaching the cash register. The notice shall directly face the purchaser and shall not be obstructed from view or placed at a height of less than four (4) feet or greater than nine (9) feet from the floor. The owner or other person in charge of a shop or other place used to sell tobacco products at retail shall conspicuously post any additional signs required by the Massachusetts Department of Public Health.

b. The owner or other person in charge of a shop or other place used to sell tobacco products at retail shall conspicuously post signage provided by the Lee, Lenox, and Stockbridge boards of health that discloses current referral information about smoking cessation.

c. The owner or other person in charge of a shop or other place used to sell nicotine delivery products at retail shall conspicuously post a sign stating that "The sale of nicotine delivery products to minors under 18 years of age is prohibited." The owner or other person in charge of a shop or other place used to sell e-cigarettes at retail shall conspicuously post a sign stating that "The use of e-cigarettes at indoor establishments may be prohibited by local law." The notices shall be no smaller than 8.5" by 11" and shall be posted conspicuously in the retail establishment or other place in such a manner so that they may be readily seen by a person standing at or approaching the cash register. These notices shall directly face the purchaser and shall not be obstructed from view or placed at a height of less than four (4) feet or greater than nine (9) feet from the floor.

3. Identification: Each person selling or distributing tobacco or nicotine delivery products shall verify the age of the purchaser by means of government-issued photographic identification containing the bearer's date of birth that the purchaser is 18 years old or older. Verification is required for any person under the age of 27.

4. All retail sales of tobacco or Nicotine Delivery Products must be face-to-face between the seller and the buyer.

E. Tobacco and Nicotine Delivery Products Sales Permit:

1. No person shall sell or otherwise distribute tobacco or Nicotine Delivery Products at retail within the Tri-Town Boards of Health jurisdiction without first obtaining a Tobacco and Nicotine Delivery Product Sales Permit issued annually by the Tri-Town Boards of Health. Only owners of establishments with a permanent, non-mobile location in the Tri-Town Boards of Health jurisdiction are eligible to apply for a permit and sell tobacco products or Nicotine Delivery Products at the specified location in the Tri-Town Boards of Health.

2. As part of the initial tobacco and Nicotine Delivery Products Sales permit application process, the applicant will be provided with the Tri-Town Boards of Health regulation. Each applicant is required to sign a statement declaring that the applicant has read said regulation and that the applicant is responsible for instructing any and all employees who will be responsible for tobacco and nicotine delivery product sales regarding both state laws regarding the sale of tobacco and this regulation.

3. Each applicant is required to provide proof of a current tobacco sales license issued by the Massachusetts Department of Revenue before a tobacco and nicotine delivery product sales permit can be issued.

4. The fee for a tobacco and Nicotine Delivery product sales permit shall be determined by the Tri-Town Boards of Health annually. All such permits shall be renewed annually by January 1st.

5. A separate permit is required for each retail establishment selling tobacco and nicotine delivery products

6. Each tobacco and nicotine delivery product sales permit shall be displayed at the retail establishment in a conspicuous place.

7. No tobacco and nicotine delivery product sales permit holder shall allow any employee to sell tobacco products or nicotine delivery products until such employee reads this regulation and state laws regarding the sale of tobacco and nicotine delivery products and signs a statement, a copy of which will be placed on file in the office of the employer, that he/she has read the regulation and applicable state laws.

8. A Tobacco and Nicotine Delivery Product Sales Permit is non-transferable. A new owner of an establishment that sells tobacco or nicotine delivery products must apply for a new permit. No new permit will be issued unless and until all outstanding penalties incurred by the previous permit holder are satisfied in full.

9. Issuance of a tobacco and nicotine delivery product sales permit shall be conditioned on an applicant's consent to unannounced, periodic inspections of his/her retail establishment to ensure compliance with this regulation.

10. Issuance and holding of a Tobacco and Nicotine Delivery Product Sales Permit shall be conditioned on an applicant's on-going compliance with current Massachusetts Department of Revenue requirements and policies including, but not limited to, minimum retail prices of tobacco products.

11. No person or entity selling tobacco products shall allow anyone under eighteen (18) years of age to sell cigarettes or other tobacco products.

F. Free Distribution and Coupon Redemption:

No person shall distribute, or cause to be distributed, any free samples of tobacco products or nicotine delivery products. No means, instruments or devices that allow for the redemption of tobacco products for free or at a reduced price below the minimum retail price determined by the Massachusetts Department of Revenue shall be accepted by any permittee.

G. Out-of-Package Sales:

No person may sell or cause to be sold or distribute or cause to be distributed, any cigarette package that contains fewer than twenty (20) cigarettes, including single cigarettes.

H. Self Service Displays:

All self-service displays of tobacco products or nicotine delivery products are prohibited. All humidors including, but not limited to, walk-in humidors must be locked.

I. Tobacco Vending Machines:

All tobacco and nicotine delivery product vending machines are prohibited.

J. Commercial Roll-Your-Own Machines:

All commercial Roll-Your-Own machines are prohibited.

K. Prohibition of the Sale of Tobacco and Nicotine Delivery Products by Health Care Institutions:

No health care institution located in the Tri-Town Boards of Health jurisdiction shall sell or cause to be sold tobacco or nicotine delivery products. No retail establishment that operates or has a health care institution within it, such as a pharmacy or drug store, shall sell or cause to be sold tobacco products.

L. Prohibition of the Sale of Tobacco and Nicotine Delivery Products by Educational Institutions:

1. No educational institution located in the Tri-Town Boards of Health jurisdiction shall sell or cause to be sold tobacco or nicotine delivery products. This includes all educational institutions as well as any retail establishments that operate on the property of an educational institution.

M. Certification:

1. No person shall sell any tobacco product or nicotine delivery product without first successfully completing an approved tobacco sales certification training and obtains confirmation of certification.

2. New employees have thirty (30) consecutive days to successfully complete an approved tobacco and nicotine delivery product sales certification training. Employers must provide documentation confirming new hire if requested by Board of Health.

N. Violations pertaining to the Tobacco Sales Clerk:

1. It shall be the responsibility of the Tobacco Sales Clerk to ensure compliance with all sections of this regulation pertaining to his or her distribution of tobacco and nicotine delivery products. The violator shall receive:

a. In the case of a first violation:

Tobacco Sales Clerk, a fine of fifty dollars (\$50.00) and tobacco and nicotine delivery products sales certification shall be suspended for seven (7) consecutive business days, must provide proof that he/she has signed up for the next available tobacco retailer training within seven (7) consecutive business days before selling tobacco and nicotine delivery products. Completion of training required within thirty (30) consecutive business days unless otherwise written consent from Tri-Town Boards of Health to extend the time period.

b. In the case of a second violation within 24 months of the date of the current violation:

Tobacco Sales Clerk, a fine of one hundred dollars (\$100.00) and tobacco and nicotine delivery product sales certification shall be suspended for thirty (30) consecutive business days, must provide proof that he/she has signed up for the next available tobacco retailer training within thirty (30) consecutive business days before selling tobacco and nicotine delivery products. Completion of training required within thirty (30) consecutive business days unless otherwise written consent from Tri-Town Boards of Health to extend the time period.

c. In the case of a third violation within a 24 month period:

Tobacco Sales Clerk, a fine of one hundred and fifty dollars (\$150.00) and tobacco and nicotine delivery product sales certification shall be suspended for three hundred and sixty five (365) consecutive days.

2. Refusal to cooperate pursuant to this regulation shall result in the suspension of the tobacco and nicotine delivery product sales certification and/or tobacco and nicotine delivery product sales permit for thirty (30) consecutive business days.

3. In addition to the monetary fines set above, any Tobacco and Nicotine delivery product Sales Clerk who engages in the sale or distribution of tobacco and nicotine delivery products directly to a consumer while his or her certification is suspended shall be subject to the suspension of all board of health issued permits for thirty (30) consecutive business days.

4. The Tri-Town Boards of Health shall provide notice of the intent to suspend tobacco and nicotine delivery product sales certification, which notice shall contain the reasons therefore. A hearing may be requested in writing within seven (7) days of receipt of letter. The Tobacco and Nicotine delivery Product Sales Clerk or its business agent shall have an opportunity to be heard at such hearing and shall be notified of the Board of Health's decision and the reasons therefore in writing. The Tri-Town Boards of Health after a hearing, may suspend the tobacco and Nicotine Delivery Product sales certification.

5. Any Tobacco Sales Clerk who does not pay the assessed fine within twenty-one days from fine issuance may be subject to criminal proceedings.

O. Violations pertaining to the permit holder and/or his or her business agent:

1. It shall be the responsibility of the permit holder and/or his or her business agent to ensure compliance with all sections of this regulation pertaining to his or her distribution of tobacco and nicotine delivery products. The violator shall receive:

a. In the case of a first violation:

Permit holder and/or his or her business agent, a fine of two hundred and fifty dollars (\$250.00).

b. In the case of a second violation within 24 months of the date of the current violation:

Permit holder and/or his or her business agent, a fine of three hundred and fifty dollars (\$350.00) and the tobacco and nicotine delivery products sales permit shall be suspended for seven (7) consecutive business days.

c. In the case of third violation within a 24 month period:

Permit holder and/or his or her business agent, a fine of five hundred dollars (\$500.00) and the tobacco and nicotine delivery product sales permit shall be suspended for fourteen (14) consecutive business days.

d. In the case of fourth violation within a 24 month period:

Permit holder and/or his or her business agent, a fine of five hundred dollars (\$500.00) and the tobacco and nicotine delivery sales permit shall be suspended for thirty (30) consecutive business days.

e. In the case of fifth violation within a 24 month period:

Permit holder and/or his or her business agent, a fine of seven hundred and fifty dollars (\$750.00) and the tobacco and nicotine delivery product sales permit shall be suspended for three hundred and sixty five (365) consecutive business days.

2. Refusal to cooperate pursuant to this regulation shall result in the suspension of the tobacco and nicotine delivery product sales certification and/or tobacco and nicotine delivery product sales permit for thirty (30) consecutive business days.

3. Any permit holder who allows a sales clerk to sell or distribute tobacco and/ nicotine delivery products directly to a consumer without first obtaining a tobacco and/or nicotine delivery products sales certification shall result in a fine of two hundred and fifty (\$250.00) dollars.

4. In addition to the monetary fines set above, any permit holder who engages in the sale or distribution of tobacco and nicotine delivery products directly to a consumer while his or her permit is suspended shall be subject to the suspension of all board of health issued permits for thirty (30) consecutive business days.

5. The Tri-Town Boards of Health Board of Health shall provide notice of the intent to suspend a tobacco and nicotine delivery products permit holder, which notice shall contain the reasons therefore. A hearing may be requested in writing within seven (7) days of receipt of letter. The permit holder or its business agent shall have an opportunity to be heard at such hearing and shall be notified of the Board of Health's decision and the reasons therefore in writing. The Tri-Town Boards of Health after a hearing, may suspend the tobacco and nicotine delivery products sales permit. All tobacco and nicotine delivery products shall be removed from the retail establishment upon suspension of the tobacco and nicotine delivery product sales permit. Failure to remove all tobacco and nicotine delivery products shall constitute a separate violation of this regulation.

6. Any permit holder who does not pay the assessed fine within twenty-one days from fine issuance may be subject to criminal proceedings.

P. Non-Criminal Disposition:

Whoever violates any provision of this regulation may be penalized by the non-criminal method of disposition as provided in General Laws, Chapter 40, Section 21 D or by filing a criminal complaint at the appropriate venue. Each day any violation exists shall be deemed to be a separate offense.

Q. Enforcement:

Enforcement of this regulation shall be by the Tri-Town Boards of Health or its designated agent(s).

Any citizen who desires to register a complaint pursuant to the regulation may do so by contacting the Tri-Town Boards of Health or its designated agent(s) and the Board shall investigate.

R. Severability:

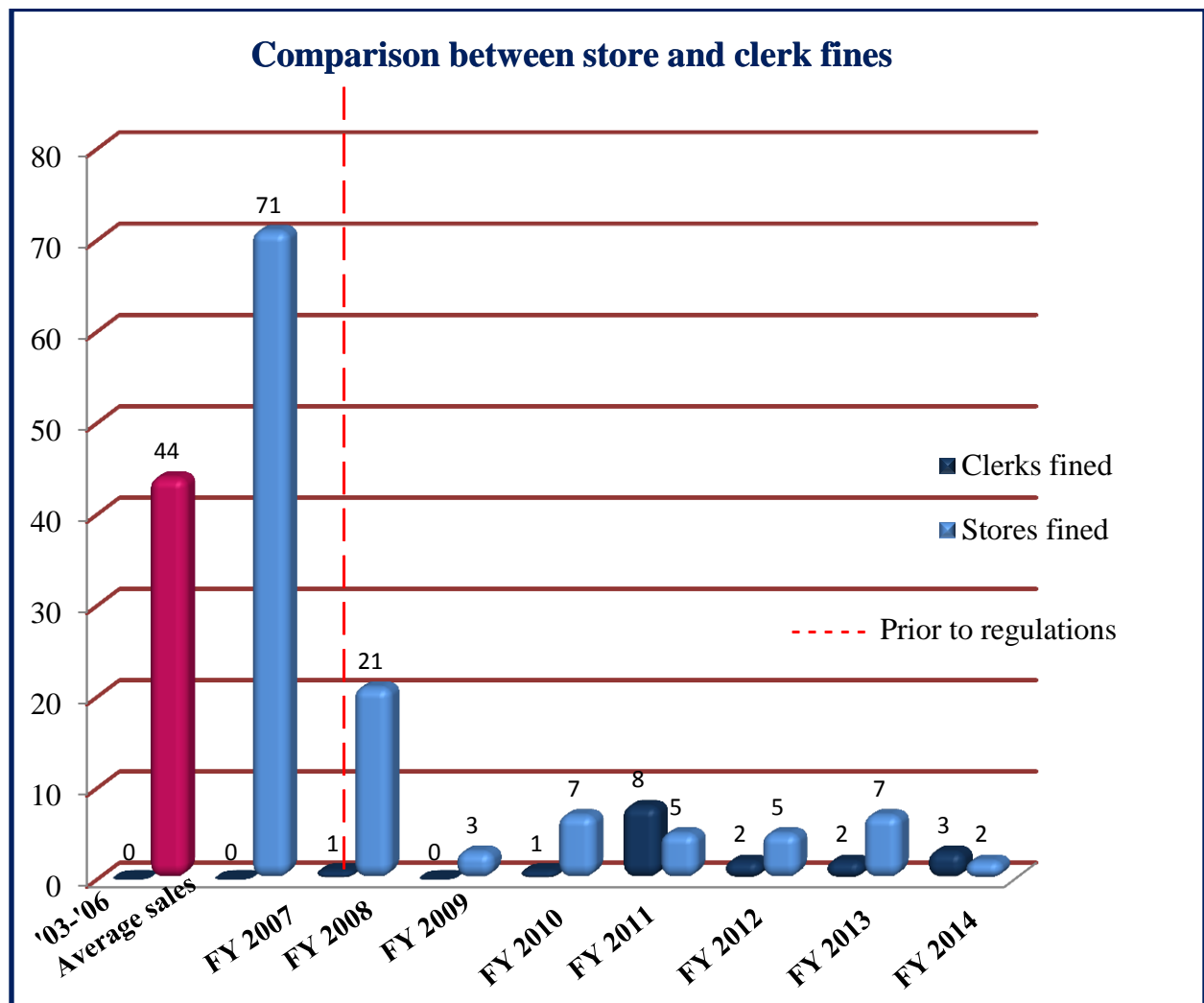
If any provision of these regulations is declared invalid or unenforceable, the other provisions shall not be affected thereby but shall continue in full force and effect.

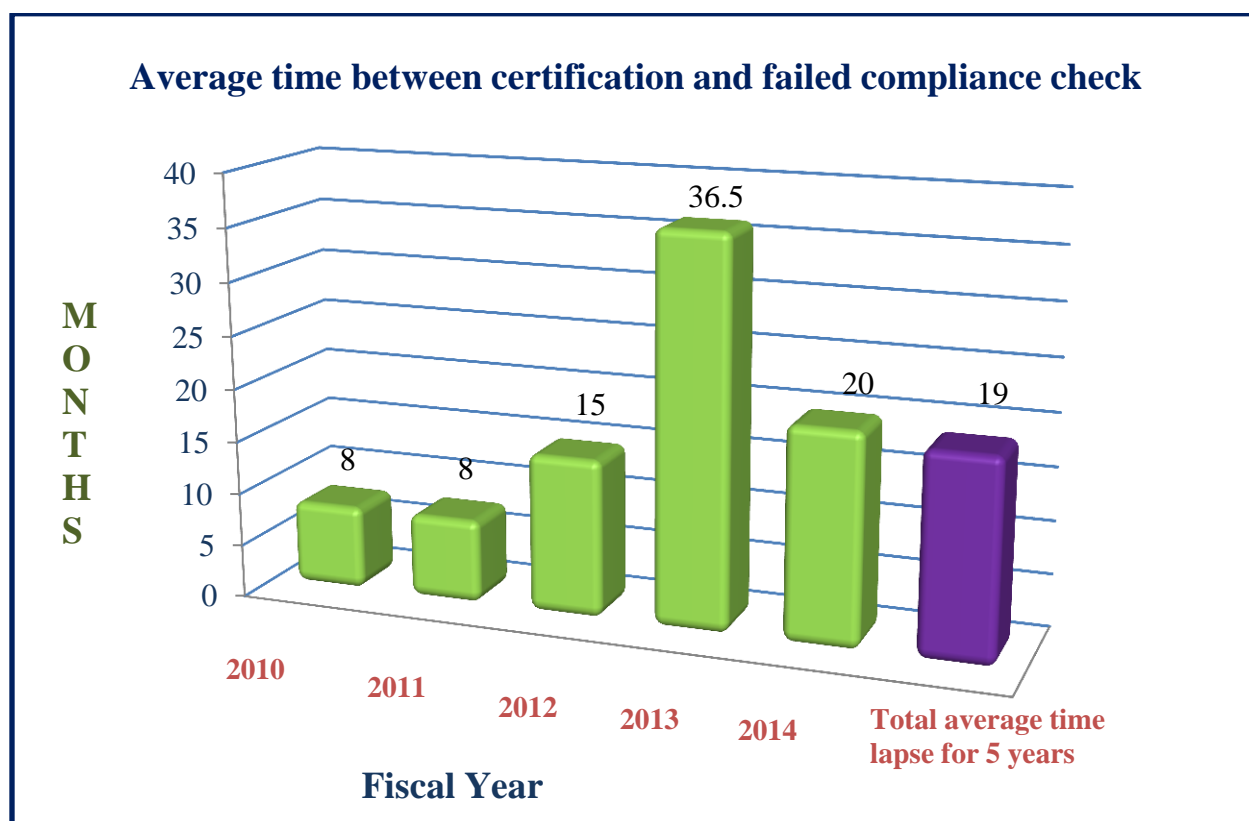
S. Effective Date: July 1, 2012

C: LOCAL DATA

Tobacco Retailer Training Status Report~June 2007-March 2014 (Classroom Style Training)	
Compliance Checks within collaborative:	
	Total Sales
FY 2007: Tobacco Sales to minors-	75 sales to minors
FY 2008: Tobacco Sales to minors-	29 sales to minors
FY 2009: Tobacco Sales to minors-	3 sales to minors
FY 2010: Tobacco Sales to minors-	6 sales to minors (3 sales by clerks not certified)
FY 2011: Tobacco Sales to minors-	22 sales to minors
FY 2012: Tobacco Sales to minors-	8 sales to minors (6 sales by clerks not certified)
FY 2013: Tobacco Sales to minors-	15 sales to minors (12 sales by clerks not certified)
**40% (6 of 15) sales were in towns where training is not required	
FY 2014: Tobacco Sales to minors-	6 sales to minors (5 sales by clerks not certified)
Successes:	
✓ There have been NO permit suspensions since the inception of the program	
✓ The certification has saved community establishments over \$10,000 in fines	
✓ A reduction in tobacco sales to minors means youth are finding it harder to obtain tobacco products	
✓ Program currently being evaluated by independent research company	
✓ Certification endorsed by Retailer Sub-Committee and Dept. Public Health	
✓ Upgraded database now accounts for more detailed demographic information	
✓ Two (2) independent evaluations have been completed and in both reports, it is documented that the retailer certification in conjunction with Board of Health support through regulations is making a positive impact in the reduction to illegal tobacco sales to minors.	
*Tobacco Retailer Training:	
Total # of trainings offered since September 2007:	195+ including over 45 night trainings
Total # of clerks who have attended class:	2,016
Total # of clerks passed & certified:	1,905
Total # of Recertified clerks:	439
Passing Rate of Clerks:	94.49%
The following communities participate in the retailer training:	
Lanesborough, Lee, Lenox, Great Barrington, Pittsfield, Monterey, Otis, Stockbridge	
The following establishments outside of our collaborative have voluntarily participated in training:	
Cumberland Farms: Adams, North Adams, Dalton	
O'Connell's: Cheshire, Williamstown, North Adams, Lanesboro	
Xtra Mart: North Adams	
<i>Retailer Training Demographic Report Summary</i>	
<i>*Please note this data was collected from FY 2007 until July, 2011.</i>	
57% of clerks smoke	
The median age of a retailer clerk is 28	
14% of clerks who work 6-10 hrs/wk have failed the exam, while 92% of clerks working 40 and/or + pass the	

exam
95% of clerks with college education pass exam, while 79% of clerks who did not graduate high school pass exam
There have been 102 failures since April 2008
*stats are as of 12/8/09, are aggregated and based on evaluations filled out correctly





D: WEB BASED TRAINING TOOLKIT

i. Web Based Tobacco Retailer Training Sessions

DATE: February 10, 2014

TO: Tobacco Retailers, Store Managers/Owners

CC: Boards of Health

FROM: James J. Wilusz, R.S., Director of Public Health/Registered Sanitarian

RE: Web-Based Tobacco Retailer Training Sessions

Dear Tobacco Retailers and Collaborative Partners,

On behalf of the Tri-Town Health Department in collaboration with the State Department of Administration and Finance, Berkshire Health Systems, the Lee, Lenox, Stockbridge, Great Barrington, North Adams, and the City of Pittsfield Boards of Health, **we are excited to announce that the Tobacco Retailer Certification Program is now fully accessible online and web based!!**

As part of the transition, we would like to invite all Managers and store owners to an initial kick-off and information training sessions so we can adequately give you an update on how to access and navigate the training and to give some updates on the transition process. Some of the highlights of the web program include:

- Ability for managers to bulk purchase the training for clerks
- Access the training in real time and allows user to complete class within thirty days, at their own pace
- Allows the user to retest at least twice at no additional cost within a 30 day period
- Reduce costs associated to the stores for backfilling of staff and eliminate travel costs
- We will have the ability to link active clerks that smoke to tobacco treatment resources in real time
- Instant access to the certificate once successfully completed
- Better recordkeeping to ensure stores meet compliance
- No additional 3rd party costs will be billed to user for credit/debit cards

Please join us for a kick-off training on March 18, 2014 (9:00-10:30 AM) or March 20, 2014 (3:00-4:30 PM) located at 45 Railroad Street, Lee, MA 01238. Please RSVP to info@tritownhealth.org as we plan to offer healthy refreshments and snacks.

Please be aware that the new costs to access the training is now twenty five (\$25.00) per user. The certification is still valid for three (3) years. However, there will be no additional costs to the user's credit card and the training now allows a re-take at no additional cost to the user (within a 30 day period).

We look forward to continue serving your training needs in an effort to eliminate underage tobacco sales to minors.

ii: Frequently Asked Questions

Tobacco Awareness Online Program Frequently Asked Questions (FAQ):

Q: What web browsers are compatible with the web based training program?

A: The most up-to-date versions of:
 Internet Explorer,
 Firefox
 Google Chrome
 Safari

Q: How long do I have to complete my web based retailer training course?

A: Thirty (30) days from the time of activation

Q: How do I bulk purchase the training?

- A. Contact Tri-Town Health Department with the number of vouchers you need to purchase
 - a. The order form can be found at the [Tri-Town Health website](#) under Applications/Permits AND the ***Trainings*** tab on the website
 - b. **If you do not have a Wi-Fi or internet connection:** forms are available at the Health Department office. A staff member will be happy to assist you
 - c. Office hours are Monday-Friday, 8:00AM until 4:00PM
- B. Once the form is completed and payment is received dependent on the numbers of voucher(s) requested, a one-time voucher code will be assigned
- C. Follow the instruction manual on how to utilize the voucher code. The manual can be found at the [Tri-Town Health website](#) website under ***Trainings*** tab

Q: The program keeps asking for my credit card after I put in the voucher code. What do I do?

A: Make sure the Deposit (EFT or Direct Deposit) option is checked.

Q: How do I reset my password?

- A. Access the program at [Tri-Town Health website](#) and the sign in area is located at the top right corner and click on the link
- B. Click on “forgot password” located to the right of “password”
- C. Enter your email address that you use to log in
- D. You will be emailed a link to reset your password and proceed to follow the instructions in the email
 - a. If you have not received an email within 4 hours, please be sure to check your spam folders in your email. You may need to check your security and filter settings
 - b. Passwords require 1 Capital Letter, 1 Number and 1 Special Character (&%-#\$)
 - c. If you experience difficulty, please contact Tri-Town Health Department

Q: How do I utilize the study planner within the course?

1. The purpose of the study planner is to help plan out the modules over time (please note that there are six modules total which includes the exam). The entire training may be done in one sitting. In that case check all the days (Monday-Sunday) and put in eight (8) hours for the time each day.
2. If you plan not to complete the training in one visit, you may use the study planner to plan out the modules over the thirty (30) day period. Identify the days and hours that best work for you.

Q: How do I navigate through the modules?

- A: Please refer to the instructional manual to successfully navigate the training program. The manual can be accessed through the [Tri-Town Health website](#), located under *Trainings*
- B. When viewing a module you can navigate through using the “previous” or “next” button located in the bottom right corner
- C: You may also click on the subjects to the left of the video.

Q: How do I pause the video?

A: Simply click on the video and it will pause.

Q: What do I do if I do not know the answer to a question?

- A: Close out of the exam tab
- B: Open the video tab for that module and re-watch it (we encourage note taking)
- C: Reopen the exam tab

IMPORTANT: when reopening the exam, you **MUST CLICK NO** when asked if you would like to continue. The test does not automatically save answers.
- D: Always refer to the instructions for guidance

General Tips:

1. The training has sound which required headphones or speakers.
2. The study (dashboard) portal will open up as its own tab. Each time you open a training module a new window (tab) will open. Once you reach the end of the module/test you will need to **close (or “X” out) that tab on the top of the web page. DO NOT** close out the study portal tab without first updating your Study Planner. You can find that orange button on the bottom left of the study planner.
3. It is recommended that at the conclusion of each successful module and exam, check off the box to the right and then click on Update Study Planner. This will remove it from the list of modules you have to complete. In case you don’t do it all in one sitting, you will know where you left off.
4. Make sure you complete the survey once all of the modules are complete. If you are successful, you will be directly emailed a certificate of completion. If you do not receive the completion certificate within 7 days, please contact the Tri-Town Health Department.

iii: **Wi-Fi Locations**

Web-Based Retailer Training Resource List

Facility	Location	Town	Contact
Lee Library	42 Park Street	Lee	413-243-1775
Lee Premium Outlets	50 Water Street	Lee	413-243-8186
Tri-Town Health Dept.	45 Railroad Street	Lee	413-243-5540
Lenox Library	18 Main Street	Lenox	413-637-0197
Stockbridge Library	46 Main Street	Stockbridge	413-298-5501
Berkshire Medical Center	725 North Street	Pittsfield	413-447-2000
Berkshire Athenaeum	1 Wendell Avenue	Pittsfield	413-499-9480
Barnes & Noble	555 Hubbard Avenue	Pittsfield	413-496-9051
Mason Public Library	231 Main Street	Great Barrington	413-528-2403
Otis Library	48 Main Street	Otis	413-269-0109
Alford Town Offices	5 Alford Center Road	Alford	413-528-4536
Dalton Library	462 Main Street #1	Dalton	413-684-6112

Milne Library	1095 Main Street	Williamstown	413-458-5369
Adams Library	92 Park Street	Adams	413-743-8345

List of Free email accounts*

www.gmail.com

www.zoho.com

www.outlook.com

www.yahoo.com

www.inbox.com

www.hushmail.com

www.hotmail.com

www.gmx.com

www.myway.com

*Tri-Town Health does not guarantee that this list is completely accurate and list is not inclusive and does not highlight all free Wi-Fi locations/email accounts that may or may not be available

iv: Additional Toolkit Materials

- a. Purchasing and Accessing Your Online Tobacco Retailer Certification Course
- b. Redeeming Vouchers and Accessing Your Online Tobacco Retailer Certification Course
- c. Bulk Purchase Voucher Request Form